

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES LOGAN DIEZ]	
Plaintiff,]	
]	
v.]	No. 3:09-0713
]	Judge Campbell
SHERIFF TRUMAN JONES, et al.]	
Defendants.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. Because the plaintiff is a prisoner, the Court is required to review his complaint to determine whether he has stated a colorable claim for relief. 28 U.S.C. § 1915A.

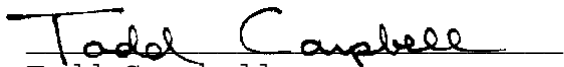
The plaintiff brings this action pursuant to 42 U.S.C. § 1983 against Truman Jones, Sheriff of Rutherford County; William Whitesell, the District Attorney General for Rutherford County; Tom Frost, a Public Defender in Rutherford County; and Rutherford County; seeking damages.

The plaintiff was arrested and charged with being a "parole absconder" from Texas. He was taken to his present place of confinement where he has remained since April 22, 2009. The plaintiff alleges that the fugitive warrant issued for his arrest was invalid and, as a result, he was illegally held in custody for

a period of 56 days.

In order for the plaintiff to obtain relief for an allegedly unconstitutional conviction or confinement, he must prove that the conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court's issuance of a writ of habeas corpus. Heck v. Humphrey, 114 S.Ct. 2364, 2372 (1994). The plaintiff remains in custody and has failed to show that any period of his confinement has been declared illegal by an appropriate tribunal. Therefore, the plaintiff's claims are not yet cognizable in a § 1983 action.

In the absence of a cognizable claim, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915A. Accordingly, an appropriate order will be entered.


Todd Campbell
United States District Judge